(62)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.5067 OF 2005

PETITIONER Mohd. Usman, S/o. Sri Anwar Hussain, aged about 55 years, Kelbadi, Distt. Durg. (C.G.)

Vs.

RESPONDENTS

1. Regional Transport Authority, Raipur.
2. Ashwani Kumar Verma, Kukridih, Post – Joba, Tumgaon, Distt. – Jahasamund.
3. State Transport Appellate Tribunal, Raipur.

Present : Shri Ajay Shrivastava, learned counsel for the petitioner.

Shri Yashwant Singh, learned G.A., for the State and its authorities.

Shri Uttam Pandey, learned counsel for respondent No.2.

ORAL ORDER

(Passed on 11th August, 2006)

The writ petitioner herein is the petitioner in the revision filed before the State Transport Appellate Tribunal, Chhattisgarh. In the revision filed before the State Transport Appellate Tribunal, the petitioner who is a rival operator sought cancellation of the regular permit granted to the second respondent herein, on the route Tumgaon to Rajnandgaon via Raipur to Durg. The said regular permit was granted to the second respondent as far back as on 04.10.2004. It was contended that the Regional Transport Authority ought not have granted permit to the second respondent, because, before granting permit, the said route was not formulated. Further, it was contended that the timings assigned to the second respondent to operate the bus are in the proximity of timings assigned to

the petitioner. Although the above contentions were raised in the memorandum of Revision Petition, it appears that in the course of arguments, the second contention was not pressed into service. Be that as it may, there is a gap of seven minutes between the timings assigned to the petitioner and to the second respondent. This Court under Article 226 of the Constitution cannot question the wisdom of the Regional Transport Authority in assigning the timings, because, it is expected that the Regional Transport Authority would know the need of the commuters and traveling public and they fix the timings for various operations keeping in mind the public interest in general and interest of the commuters in particular. It is true that a part of the route which passes through Mahasamund was not formulated before the permit was granted in favour of the second respondent. This fact is noticed by the State Transport Appellate Tribunal itself in the impugned order. But, the State Transport Appellate Tribunal did not think it appropriate to set at naught the permit granted to the second respondent on the ground that the permit was granted to the second respondent well before the Court handed-down the opinion in the case of Mohd. Kayum Vs. RTA and others (W.P. No.2532 of 2005). A perusal of the impugned order would also show that in addition to the above fact, the public interest and the interest of the commuters seem to have weighed with the State Transport Appellate Tribunal not to interfere at this distance of time. It is not a Public Interest Litigation. The petitioner who is a rival operator has come to this Court with a personal grievance. His only grievance is that the timings assigned to the second respondent are in the proximity of timings assigned to the petitioner. It is not that the timings assigned to the petitioner and the second respondent are identical. There is a gap of seven minutes. Therefore, I do not find

any substance in the grievance of the petitioner. Above all, in pursuance of the permit granted to the second respondent, he has been operating the services w.e.f. 04.10.2004. In the course of argument, it was also pointed out at the Bar that the Madhya Pradesh State Road Transport Corporation was also running services on the same route, though, the route to the extent it passes through Mahasamund belt was not formulated. Looking at the facts and circumstances cumulatively and keeping in mind the public interest, I am not inclined to interfere with the discretionary order made by the State Transport Appellate Tribunal which is the highest forum under the Motor Vehicles Act. There is no failure of justice. No ground for interference is made out. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice